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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,014	01/26/2004	Craig Nevill-Manning	53051/295860	1277
62296	7590	08/16/2006	EXAMINER	
GOOGLE / FENWICK SILICON VALLEY CENTER 801 CALIFORNIA ST. MOUNTAIN VIEW, CA 94041			LE, MIRANDA	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/765,014

Applicant(s)

NEVILL-MANNING ET AL.

Examiner

Miranda Le

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/26/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. Applicants' Information Disclosure Statement, filed 16 April 2003, has been received, entered into the record, and considered. See attached form PTO-1449.

Claim Objections

2. Claim 17 is objected to because of the following informalities: Claim 17, line 1, "the first method" should be read as "the second method".

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. § 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title".

4. Claims 15-28 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

The specification, paragraph [0011], defines "computer-readable media" as including both recordable media and transmission media. A computer-readable medium including a carrier wave, or signal, is non-statutory subject matter as set forth in MPEP 2106 (IV)(B)(2)(a).

As such, claims 15, 25 are not limited to tangible embodiments, instead being sufficiently broad so as to encompass intangible media such as transmission media; the claims are not limited to statutory subject matter and are therefore non-statutory.

Claims 16-24 and 26-28 incorporate the deficiencies of their respective base claims 15, 25; and do not add tangibility to the claimed subject matter, they are likewise rejected.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (US Patent No. 7,058,598).

Chen anticipated independent claims 1, 11, 15, 25, 29 by the following:

As to claims 1, 15, Chen teaches a method, comprising:

receiving a search query (*i.e. a search request, col. 1, lines 42-60*);

identifying a plurality of item identifiers responsive to the search query (*i.e. a items designated in the search request, col. 1, lines 42-60*);

identifying a first group of items from the plurality of item identifiers (*i.e. the search results are returned and displayed, col. 3, lines 41-56*), wherein the first group of item identifiers

Art Unit: 2167

was obtained by a first method (*i.e. searching may be done by title, author's last name, first name, keyword or ISBN number, col. 3, lines 41-56*) (*col. 2, line 43 to col. 3, line 11*);

identifying a second group of items (*i.e. two items have been selected by the user, col. 5, line 63 to col. 6, line 27*) from the plurality of item identifiers, wherein the second group of item identifiers was obtained by a second method (*i.e. sub algorithm 2*) (*col. 5, lines 23 to col. 6, line 27*); and

causing the output of all (*i.e. the search results are returned and displayed, col. 3, lines 41-56*) or a plurality of the item identifiers (*Fig. 2*), comprising providing a cue (*i.e. two items have been selected by the user, col. 5, line 63 to col. 6, line 27*) to distinguish between the item identifiers from the first group and the item identifiers from the second group (*col. 5, lines 23 to col. 8, line 12*).

As to claims 11, 25, Chen teaches a method, comprising:

receiving a search query for an item identifiers (*i.e. a search request, col. 1, lines 42-60*);

identifying a plurality of item identifiers responsive to the search query (*i.e. a items designated in the search request, col. 1, lines 42-60*);

identifying a first group of items from the plurality of item identifiers (*i.e. the search results are returned and displayed, col. 3, lines 41-56*), wherein the first group of item identifiers has a first degree of certainty (*i.e. the search results are returned and displayed, col. 3, lines 41-56*) (*col. 2, line 43 to col. 3, line 11*);

identifying a second group of items (*i.e. two items have been selected by the user, col. 5, line 63 to col. 6, line 27*) from the plurality of item identifiers, wherein the second group of item

Art Unit: 2167

identifiers has a second degree of certainty (*i.e. two items have been selected by the user, col. 5, line 63 to col. 6, line 27*) (*col. 5, lines 23 to col. 6, line 27*); and

causing the output of all (*i.e. the search results are returned and displayed, col. 3, lines 41-56*) or a plurality of the item identifiers (*Fig. 2*), comprising providing a cue (*i.e. two items have been selected by the user, col. 5, line 63 to col. 6, line 27*) to distinguish between the item identifiers from the first group and the item identifiers from the second group (*col. 5, lines 23 to col. 8, line 12*).

As per claim 29, Chen teaches a method, comprising:

receiving a search query (*i.e. a search request, col. 1, lines 42-60*);

identifying a plurality of item identifiers responsive to the search query (*i.e. a items designated in the search request, col. 1, lines 42-60*);

identifying a first group of items from the plurality of item identifiers (*i.e. the search results are returned and displayed, col. 3, lines 41-56*), wherein the first group of item identifiers was obtained by vendor feeds (*i.e. bookstores, col. 2, line 43 to col. 3, line 11*);

identifying a second group of items (*i.e. two items have been selected by the user, col. 5, line 63 to col. 6, line 27*) from the plurality of item identifiers, wherein the second group of item identifiers was obtained by extraction of item identifiers and associated attributes from shopping documents (*i.e. matrix 1, matrix 2 are each recorded in separated files, col. 3, line 57 to col. 4, line 54*) (*col. 5, lines 23 to col. 6, line 27*); and

causing the display of all (*i.e. the search results are returned and displayed, col. 3, lines 41-56*) or a plurality of the item identifiers (*Fig. 2*), wherein item identifiers from the first group

of item identifiers (*i.e. the search results, col. 3, lines 41-56*) are visually distinct from other item identifiers displayed (*i.e. two items have been selected by the user, col. 5, line 63 to col. 6, line 27*) (*col. 5, lines 23 to col. 8, line 12*).

As to claims 2, 16, Chen teaches the first method comprises receiving item information from vendor feeds (*col. 2, line 34 to col. 3, line 56*).

As to claims 3, 17, Chen teaches the second method comprises extraction of item identifier and associated attributes from shopping documents (*col. 5, lines 23 to col. 6, line 27*).

As to claims 4, 18, Chen teaches extraction is performed at least in part by a template-based extraction method (*col. 5, lines 23 to col. 6, line 27*).

As to claims 5, 19, Chen teaches extraction is performed at least in part on the search query (*col. 2, line 34 to col. 3, line 56; col. 5, lines 23 to col. 6, line 27*).

As to claims 6, 20, Chen teaches the first method comprises vendor feeds and the second method comprises extraction of item identifiers and associated attributes from shopping documents (*col. 2, line 34 to col. 3, line 56; col. 5, lines 23 to col. 6, line 27*).

As to claims 7, 21, Chen teaches each item identifier in the first group is displayed with a visual indication making it visually distinct from the item identifiers from the second group (*col. 2, line 34 to col. 3, line 56; col. 5, lines 23 to col. 6, line 27*).

As to claims 8, 22, Chen teaches the output of the first group of item identifiers comprises a first list and the output of the second group of items identifiers comprises a second list, wherein the first list is visually separated from the second list when displayed (*col. 2, line 34 to col. 3, line 56; col. 5, lines 23 to col. 6, line 27; Fig. 2*).

As to claims 9, 23, Chen teaches the output of the first group of item identifiers comprises a first grid and the output of the second group of items identifiers comprises a second grid, wherein the first grid is visually separated from the second list when displayed (*col. 2, line 34 to col. 3, line 56; col. 5, lines 23 to col. 6, line 27; Fig. 2*).

As to claims 10, 24, Chen teaches:
identifying a third group of item identifiers from the plurality of item identifiers, wherein the third group of item identifiers was obtained by a third method (*i.e. sub algorithm 3, col. 5, lines 23 to col. 8, line 12*); and

causing the output of all (*i.e. the search results are returned and displayed, col. 3, lines 41-56*) or a plurality of the item identifiers (*Fig. 2*), comprising providing a cue (*i.e. three items are selected by the user, col. 6, lines 28-63*) to distinguish between the item identifiers from the

third group and the item identifiers from the first group and the second group (*col. 5, lines 23 to col. 8, line 12*).

As to claims 12, 26, Chen teaches the first and second degree of certainty are based at least in part on the method of obtaining the item identifiers (*col. 2, line 34 to col. 3, line 56; col. 5, lines 23 to col. 6, line 27; Fig. 2*).

As to claims 13, 27, Chen teaches the method of obtaining the item identifiers in the first group comprises vendor feeds (*col. 2, line 34 to col. 3, line 56*).

As to claims 14, 28, Chen teaches the first of obtaining the item identifiers in the second group comprises extraction of item identifiers and associated attributes from shopping documents (*col. 2, line 34 to col. 3, line 56; col. 5, lines 23 to col. 6, line 27*).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Art Unit: 2167

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Miranda Le
August 10, 2006



JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

